

Notice of Allowability

Application No.

09/656,769

Examiner

Jennifer A Boyd

Applicant(s)

ALBANESE ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 15 August 2003.
2. ☒ The allowed claim(s) is/are 1-44.
3. ☒ The drawings filed on 07 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>N/A</u> |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Martin LuKacher on September 10, 2003.

The application has been amended as follows:

1. A pile weatherstrip which forms a flexible seal projecting from a member [**when received**] in a holding slot extending longitudinally along the member, the slot having a throat which defines steps along opposite edges of the throat internally of the slot, said weatherstrip comprising a plurality of strands in side-by-side relationship, which said strands have resiliency to straighten thereby thereby defining and maintaining said strands in a flat pile which flat pile also extends longitudinally, said pile weatherstripping being formed with said flat pile being disposed in said slot bent upwardly along an axis also extending longitudinally of said slot and across said strands, and dividing said strands into separate parts tensioned to spring outwardly against said steps into holding relationship therewith, said holding relationship being provided by portions of said parts being disposed internally of said slot engaging said steps to hold said bent flat pile in said slot, exterior portions of said parts extending outwardly of said slot to define said flexible seal.

22. A pile weatherstrip **in a slot in a member** comprising a plurality of transversely oriented strands spaced in a longitudinal direction, said strands having a tendency to lie flat, such

Art Unit: 1771

that said strands define a flat pile, said strands being connected together along a longitudinal axis extending between opposite ends of said strands, said flat pile being deformed when installed in said [into a] slot [in a member for receiving the weatherstrip] such that said pile extends upwardly from said slot.

In claims 23 – 44, add the phrase -- in the slot in the member – after the word “weatherstrip” and before the word “according”.

Reasons for Allowance

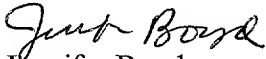
2. Claims 1 – 5, 7 – 13, 15 – 16 and 19 – 44 are allowed.
3. Claims 6, 14 and 17 – 18 were previously allowed in the Office Action dated April 18, 2003.
4. The following is an Examiner’s statement of reasons for allowance: all the prior 35 U.S.C. 102(b) rejections and 35 U.S.C. 103(a) rejections have been overcome by the present response. While Larry E. Johnson (US 5,817,390) and Hoag (US 2,989,766) are believed to be the most pertinent art, they fail to teach or suggest a flat pile having the tendency to lie flat when installed in a holding slot.
5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Art Unit: 1771

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 703-305-7082. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Jennifer Boyd
September 11, 2003

